

REMARKS

Claims 1-29 are pending in this Application.  
Claims 1,12,17,23,28 and 29 are the only independent claims.  
Claims 1-29 stand rejected.

I. CLAIM REJECTIONS 35 U.S.C. § 102(e)

Claims 1-6, 12-15, 17-21 and 23-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Delvaux U.S. Patent No. 6,775,305 filed October 19, 2000 (hereinafter "Delvaux"). For reasons explained hereinafter, Applicants respectfully traverse this rejection.

Applicants respectfully assert that Delvaux fails to anticipate the features associated with the marker and substreams defined in the current Application. The "marker signal" inserted in a substream as claimed in the current Application allows for the transmission channel to be identified by a receiver. This is in contrast to the sequence number of Delvaux which identifies the relative position of a packet in a source data packet. Hence, Applicants assert that the sequence number defined in Delvaux does not teach the marker signal claimed in the current Application.

To form the basis for the rejection, on pages 2-3 of the current office action, the Examiner asserts that the sequence number teaches the marker signal recited in each of Applicants' claims. For example, on pages 2-3, the Examiner states, "Delvaux disclosed using sequence number or markers in the individual streams to identify the data

units for reassembly." Also, on page 2 of the office action, the Examiner quotes from Delvaux, with a parenthetical comment inserted by the Examiner: "... a corresponding sequence number that defines (marks) the relative position of the individual data packet in a source data packet stream..." However, it is clear from the reference that the sequence numbers are not equivalent to the marker signal claimed in the current Application.

Applicants assert that the marker signal of the current Application is used to identify a substream of data that is associated with a corresponding channel. For example, Claim 1 of the current Application describes "... inserting a first marker signal in the first substream." (emphasis added) The specification clearly defines 'marker signal' and 'substream' (page 3 lines 3-7):

"The term 'marker signal' as used herein and in the appended claims includes any signal used to distinguish one substream from any other substream. The term 'substream' as used herein and in the appended claims includes any stream of data derived as a subset of a data stream."

The features of Claim 1 also include a method of "... transmitting the first substream in a first data channel." (emphasis added) Thus, the marker signal is used to identify a substream of data that is transmitted over a corresponding channel and not a data packet as in Delvaux. As a result, Applicants assert that the marker signal claimed in the current Application is distinct from the sequence number of Delvaux.

In contrast to the marker signal claimed in the current Application, Delvaux describes using sequence numbers to identify the *order of a packet of data* in a

sequence of packets. Specifically, in column 7 lines 58 through 61 Delvaux states

"A transport protocol data unit comprising a data packet and a corresponding sequence number that defines the relative position of the individual data packet in a source data packet stream..." (emphasis added)

The distinction is that while Delvaux marks the relative position of each packet of data within a data packet stream, the marker signal of the current Application identifies the substream.

The distinction becomes more apparent when considering additional teachings from Delvaux. For example, quoting Delvaux, hardware may be configured to "... transfer each available TPDU to an available communication line transmitter." (column 6 lines 62-64, emphasis added) In effect, individual transport protocol data unit, or TPDU as defined in Delvaux, is allocated to channels on the basis of channel availability. As discussed herein, the TPDU comprises a data packet and corresponding sequence number. Hence, the sequence number is not associated with a channel, in contrast to the marker signal of the current Application.

As a result of the distinctions between the marker signal and sequence number, Applicants assert that, contrary to Examiner's assertion, the marker signal claimed in the current Application is not equivalent to the sequence number identified in Delvaux. Therefore, Applicants assert Delvaux fails to anticipate the features of at least Claim 1 and respectfully request the withdrawal of the \$ 102 rejection with respect to Claim 1 and Claims

2-6 which depend from Claim 1.

Applicants also note that the marker and substream features are also recited in each of the independent Claims (12, 17, 23, 28 and 29) and thus, these Claims are not anticipated by Delvaux for at least the same reasons discussed above. Therefore, Applicants respectfully request withdrawal of the § 102 rejection of Claims 12, 17, 23 as well as Claims 13-15, 18-21 and 24-26 which depend from Claims 12, 17 and 23.

## II. CLAIM REJECTIONS 35 U.S.C. § 103(a)

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Delvaux in view of Widmer et al. U.S. Patent No. 5,648,776 filed April 30, 1993 (hereinafter "Widmer"). Claims 10,11,16,22 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Delvaux in view of Morikura et al. U.S. Patent No. 5,539,846 filed March 24, 1995 (hereinafter "Morikura"). Claims 9 and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Delvaux in view of Hutchison et al. U.S. Patent No. 5,408,473 filed February 25, 1994 (hereinafter "Hutchison"). Claim 29 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Delvaux in view of Hutchison and Morikura. Applicants respectfully traverse these rejections.

In each case, to form the 35 U.S.C. § 103(a) rejections, the Examiner relies on the assertion that the Delvaux sequence number is equivalent to the marker signal claimed the current Application. This assertion is combined with the features of Widmer, Morikura or

Hutchison, none of which teach or suggest a marker signal, to form a basis for a 35 U.S.C. § 103(a) rejection. As explained above, the Delvaux sequence number is not equivalent to Applicants' marker signal claimed in the current Application. Thus, Applicants assert that the Examiner's 35 U.S.C. § 103(a) rejections are untenable and respectfully request withdrawal of the § 103 rejections of Claims 7-11, 16, 22, 27, 28 and 29.

The marker signal, as claimed in the current Application, is useful to identify which substream to which data belongs. This can be beneficial (and in some cases, essential) in the problem identified in the specification whereby a user is unable to identify the physical channel over which a substream of data was transmitted. Without the marker signals of the current Application, there is a possibility of substreams being transmitted to an incorrect receiver port due to the physical channel being connected to an incorrect transmitter or receiver port. However, with a marker identifying the substream associated with a channel, a receiver can configure itself to receive data from a substream regardless of the physical connection of the channels.

III. CONCLUSION

The Applicants believe all the claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

Applicants do not believe any Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,



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